

**REMARKS**

Pending claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Crouse *et al.* (U.S. Patent No. 5,764,972) in view of Baca *et al.* (U.S. Patent No. 5,898,593). According to the Examiner, Crouse discloses all elements of independent claims 1, 12 and 18 except for scheduling of the export processing, and that such missing teaching is disclosed by Baca. The applicants respectfully disagree with the Examiner's conclusions about the teachings of both Crouse and Baca, as explained further below. For at least these reasons, reconsideration of the rejection is respectfully requested.

Claims 1, 12 and 18 are all directed to exporting of a removable media from a storage device, such as a library, according to a schedule. As explained in the present application, exporting of removable media results in the media being physically removed from the storage device and thus no longer available for storage of new data. E.g., Application at 2, 5. Prior to the present invention, an administrator or operator would have to initiate export of a media once it became full. E.g., Application at 1-2, Baca at col. 7, lines 43-60. However, since many administrators find it desirable to perform storage operations on an automated basis at non-peak hours such as at night, they often cannot be present to initiate the export. The present invention resolves this issue, by allowing for scheduling of an export at a specified time. In addition, the present invention allows an administrator to schedule a series of storage operations to occur on a removable media and then to be followed by a scheduled export of the removable media. Application at 6.

Contrary to the Examiner's assertions, Crouse is not discussing export of a removable media. Instead, Crouse is concerned with migration and retrieval of electronic data at the file level, and of the mounting and dismounting of a removable media in order to achieve

those functions. E.g., col. 17, lines 14-55; col. 19, lines 23-66; col. 20, lines 1-39. Dismounting of a removable media as in Crouse only temporarily removes the media from use and allows for rotation of removable storage media; the media are not physically removed from such use as in exporting.

Because Crouse is concerned only with dismounting and not exporting, Crouse does not disclose elements of the claimed invention, such as the step in claim 1 of receiving export identification data at a first time comprising first data identifying one or more removable media from a storage device to be exported and second data identifying a second time at which the one or more removable media is scheduled to be exported, or the similar elements of claims 12 and 18.

Additional discussion of this distinguishing point was presented in the applicants' Amendment filed December 21, 2004. The Examiner has yet to address this issue, since the applicants' arguments were mistakenly deemed to be moot in the present Office Action.

The Examiner acknowledges that Crouse does not disclose scheduling of an export process. However, Baca also does not disclose this function and thus does not provide this missing teaching. In support of the position that this teaching is provided by Baca, the Examiner cites to col. 7, lines 1-60. While Baca does use the word "schedule" in col. 7, line 3 in reference to export of selected magazines, a close reading of that section leads to the conclusion that this "schedule" is not performed at a specified time, as set forth in the present claims.

Instead, the "schedule" referred to in Baca relates to a series of jobs in a job queue that get performed in sequence. Col. 7, lines 1-3. That is, an operator must initiate an export in Baca by an input command, col. 7, lines 3-8, and this command is placed in a job queue with other such commands or jobs, all for immediate performance in sequence. Col. 7, lines 1-3 and

33-51. The information used for this export is, as discussed at col. 6, lines 62-67, *current* information about the location of magazine cartridges and pickers.

Thus, the Baca system exports a magazine at the time it receives the instruction to export the magazine. That is the only “schedule” discussed in Baca – “scheduling” in a series of job in a job queue. There is no discussion in Baca of receiving data identifying a *time* at which one or more removable media is scheduled to be exported. Nor is there any reference in Baca to retrieving export identification data at that time from a data file and controlling the storage device to cause the export of the removable media. Instead, Baca discusses exporting media in response to an input command based on current information about magazines and pickers. Furthermore, there is no discussion in Baca of scheduling an export of removable media at a time other than the time at which an input command to export data is received.

By way of example, then, the presently claimed invention could allow an administrator to continue storing data to a removable media in a storage device such as a library up until the specific time at which that removable media is scheduled to be exported. An administrator could thus, for example, automate a storage operation to occur during non-peak hours and follow that with a scheduled export of one or more removable media. The system in Baca, which only supports immediate export of magazines based on current data in accordance with a job queue, would not allow an administrator to perform such a scheduled storage operation or export. If anything, Baca’s reliance on current information for immediate performance of an export teaches away from a time-based scheduled export operation. The system in Crouse, which is not even discussing export of media much less scheduling of such exports, certainly would not support such a function.

As a result, Baca does not provide the teaching missing from Crouse of identifying a time at which one or more removable media are scheduled to be exported, or the exporting of such removable media at the identified time. Claims 1, 12, and 18 are thus all patentable for at least this additional reason.

The dependent claims of the present application, claims 2-11, 13-17 and 19-20, contain all of the features of the claims on which each depend and additional features that further substantially distinguish the invention of the present application over the cited references. The dependent claims are thus patentable for at least the reasons discussed herein in reference to the independent claims, as well as for additional reasons which would be premature to present here.

For at least all of the above reasons, the applicants respectfully request that the Examiner withdraw all rejections and allow all the pending claims. To expedite prosecution of this application to allowance, the examiner is invited to contact the applicants' undersigned representative to discuss any issues relating to this application.

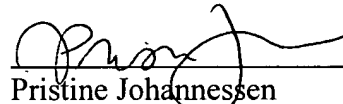
Dated: October 25, 2005

I hereby certify that the correspondence attached herewith is being transmitted by First Class Mail to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

  
Kim Dufault

October 25, 2005  
Date

Respectfully submitted,



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